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**DEPARTMENT OF STATE**

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES:	<b>Adult Entertainment Commission</b>
MEETING DATE AND TIME:	<b>Thursday, January 27, 2011 at 2:00 p.m.</b>
PLACE:	Cannon Building, 861 Silver Lake Boulevard Conference Room B, Dover, Delaware 19904
MINUTES APPROVED:	April 28, 2011

**MEMBERS PRESENT**

James Nutter, Chairman  
Maisha Britt, Public Member  
Robb Carter, Public Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT**

Jennifer Myer, Administrative Specialist II  
Sandra Wagner, Administrative Specialist III

**ALSO PRESENT**

Kay Warren, Deputy Director, Division of Professional Regulation

**MEMBERS ABSENT**

John Henry, Public Member  
Mary Kate McLaughlin, Public Member

**CALL TO ORDER**

Mr. Nutter called the meeting to order at 2:10 p.m.

**REVIEW OF MINUTES FOR APPROVAL**

The Commission reviewed the minutes from the October 28, 2010 meeting. Dr. Britt made a motion, seconded by Mr. Carter, to approve the minutes as presented. The motion was unanimously approved.

**UNFINISHED BUSINESS**

**AEC's Authority to Require Criminal Background Checks – Status Update from Andrew Kerber**

Mr. Kerber was unable to attend the meeting due to adverse weather conditions. This matter will be discussed at the next meeting.

**Adult-Oriented Retail Establishments**

The new regulations clarifying the term “substantial portion” for establishments were published in the January issue of the Delaware Register of Regulations. The new regulations became effective January 11, 2011 and are available on the Committee’s website. At Mr. Nutter’s request, this matter will be kept on the agenda for the upcoming meeting in April 2011 for continued discussion.

**NEW BUSINESS**

#### Review Correspondence from Video Liquidation, LLC (DBA Spice of Life)

Mr. Rich Deverell responded to the Division of Professional Regulation's notice regarding the licensing of Adult-Oriented Retail Businesses. In his statement, he outlined the reasons why he felt his business did not fit the requirements of an Adult-Oriented Retail License. The Board reviewed Mr. Deverell's letter. Mr. Nutter made a motion, seconded by Mr. Carter, to have the Division of Professional Regulation investigate Spice of Life to determine whether or not they are operating without a license. The motion was unanimously approved. Ms. Childears will file a complaint with the Investigative Unit of the Division of Professional Regulation immediately.

#### Review Employee Change from Bob's Discount Books, Inc.

Bob's Discount Books, Inc. submitted the following employee changes: Paul Lynch Jr. has passed away and Harkles Martin will be promoted to the managerial position. Harkles Martin Jr submitted a *Certificate of Individual Associated with Adult Establishment* form as a new employee of Bob's Discount Books. Wade Joseph Henry is no longer employed at Bob's Discount Books. Felix Rodriguez submitted a *Certificate of Individual Associated with Adult Establishment* form as a new employee of Bob's Discount Books. Dr. Britt made a motion, seconded by Mr. Carter, to accept the *Certificates of Individual Associated with Adult Establishment* forms of Harkles Martin Jr. and Felix Rodriguez contingent upon receipt of clean criminal background reports. The motion was unanimously approved.

#### Complaint Status

Ms. Childears reported that five complaints were initiated by the Division of Professional Regulation since the October 28, 2010 meeting. The Board reviewed the status of the complaints as follows:

Complaints 16-01-10, 16-02-10 and 16-05-10 have been closed.

Complaints 16-03-10 and 16-04-10 have been forwarded to the Attorney General's Office.

Investigator Bud Mowday reviewed his investigations for the Commission. He advised the Commission that he inspects the amount of floor space dedicated to adult-oriented items and reviews the financial records of the establishment to determine the percentage devoted to adult-oriented retail.

#### **OTHER BUSINESS BEFORE THE BOARD** (for discussion only)

Pamela Zickafoose introduced herself to the Commission Members as the new Executive Director for Team A at the Division of Professional Regulation.

#### **PUBLIC COMMENT**

There was no public comment.

#### **NEXT SCHEDULED MEETING**

The next meeting will be held on April 28, 2011 at 2:00 p.m. in Conference Room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, DE 19904.

#### **ADJOURNMENT**

Dr. Britt made a motion, seconded by Mr. Carter, to adjourn. The motion unanimously carried. The meeting adjourned at 2:45 p.m.

Respectfully submitted,



Jennifer L Childears  
Administrative Specialist II